Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Delete, Delete, Delete	)	GN Docket No. 25-133
	)	

COMMENTS OF THE NATIONAL LIFELINE ASSOCIATION

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SUMMARY

The National Lifeline Association[1] (NaLA), by and through the undersigned counsel, hereby submits its comments on the Federal Communications Commission's (Commission's) Public Notice[2] seeking comment on "identifying FCC rules for the purpose of alleviating unnecessary regulatory burdens."[3] For the reasons provided herein, there is good cause to delete the following Lifeline and audit rules.

- Lifeline Mobile Broadband Minimum Service Standard (MSS). The Commission should delete Section 54.408(b)(2)(ii) and (c)(2) of the Lifeline rules because, as Congress recognized when it passed the successful Emergency Broadband Benefit (EBB) and the Affordable Connectivity Program (ACP), setting a MSS is unnecessary for a competitive service and marketplace – competition should determine what service plans and affordable rates are available to consumers. The Commission has repeatedly waived increases in the Lifeline MSS since 2019 because it is not appropriately tethered to marketplace realities and affordability. It is long past time for the Lifeline mobile broadband MSS rule to be deleted.
- Lifeline Voice Support Phase-Out. The Commission should delete Section 54.403(a)(2) of its Lifeline rules, which phases down and then out Lifeline support for standalone voice service. In the 2016 Lifeline Modernization Order, the Commission decided to

[1] NaLA is the only industry trade group specifically focused on the Lifeline and low-income segment of the communications marketplace. It supports eligible telecommunications carriers (ETCs), distributors, and Lifeline supporters and participants, and partners with regulators to improve low-income programs through education, cooperation and advocacy. *See* https://www.nalalifeline.org/.

[2] *See In Re: Delete, Delete, Delete*, GN Docket No. 25-133, Public Notice, DA 25-219 (Mar. 12, 2025) (Delete Public Notice).

[3] *Id*., 1.

phase-out Lifeline standalone voice support in favor of supporting broadband[4] presumably thinking that consumers would no longer want standalone voice service as the importance of broadband continued to rise. However, as the Wireline Competition Bureau (Bureau) found in the 2021 State of Lifeline Marketplace Report and the Commission found in the 2022 Future of USF Report, low-income households still value and want voice service, including in some instances standalone voice service.

- ETCs Ensure Subscriber Eligibility Rule. The Commission should delete the language in Section 54.410(a) of its Lifeline rules requiring eligible telecommunications carriers (ETCs) to ensure their Lifeline subscribers are eligible to receive Lifeline services[5] because the rule has been misused and misconstrued by the Bureau to attempt to make Lifeline ETCs responsible for eligibility determinations that are actually the responsibility of the National Verifier and the National Lifeline Accountability Database (NLAD) pursuant to more specific Lifeline rules and orders.[6] The core issue is whether the National Verifier serves as the sole determiner of Lifeline applicant eligibility, or merely as a tool upon which reliance cannot be placed. NaLA's position that the National Verifier must be relied upon as the sole determiner of eligibility for Lifeline and

[4] *See Lifeline and Link Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 09-197 and 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (2016).

[5] *See* 47 C.F.R. § 54.410(a) ("All eligible telecommunications carriers must implement policies and procedures for ensuring that their Lifeline subscribers are eligible to receive Lifeline services.)".

[6] For the same reasons, the Commission should also delete the related annual eligibility and recertification certifications that it requires service providers to make in Section 54.416(a)(1) and (2) of its rules, as well as remove the certifications and recertification information required in the FCC Form 555. The certifications are unnecessary and inconsistent with the Commission's rules requiring the National Verifier and NLAD to make eligibility determinations. Moreover, the recertification information required by the FCC Form 555 is information USAC should have because the National Verifier conducts recertification efforts for Lifeline subscribers.

the Commission did not intend for ETCs to continue reviewing and retaining proof of eligibility is based on clear language from the Lifeline rules and orders provided herein.

- Lifeline Non-Usage Rule. The Lifeline non-usage requirements should be eliminated because they are not technology-neutral in practice and impose burdens on low-income consumers and ETCs.[7] The non-usage rules apply only if the subscriber does not have a regular billing relationship with the ETC (*i.e.*, the subscriber receives free-to-the-end-user Lifeline service).[8] As a result, low-income consumers face the difficult choice of: (a) an affordable, no-cost wireless Lifeline service that restricts how and how often they must use the service (or face de-enrollment) or (b) a Lifeline service without usage restrictions that mandates regular co-pays unaffordable for most subscribers.[9] Thus, to promote regulatory parity and ease low-income consumer burdens, the Commission should delete the non-usage rules so that Lifeline subscribers have the freedom to choose what services they want and how to use those services in the same manner as other Americans.
- Lifeline One Per Household Rule. The Commission should eliminate its rules limiting the Lifeline discount to one per household.[10] Today, these rules are mismatched with the way most American households depend upon multiple lines of wireless broadband connectivity.
- Commission Compensation Based on Enrollments Prohibition. Section 54.406(b) of the Commission's Lifeline rules prohibits ETCs from providing any commission

[7] *See* 47 C.F.R. §§ 54.405(e)(3), 54.407(c)(2). The Commission should also delete the non-usage tracking requirements in the FCC Form 555.

[8] 47 C.F.R. § 54.407(c).

[9] *See* NaLA Notice of Oral *Ex Parte* Presentation, WC Docket No. 17-287 *et. al*., 4-5, Exhibit (Aug. 6, 2020) (NaLA Aug. 6, 2020 *Ex Parte*).

[10] *See* 47 C.F.R. §§ 54.405(c), (e)(2).

compensation to enrollment representatives or their direct supervisors "based on the number of consumers who apply for or are enrolled in the Lifeline program with the [ETC]."[11] The rule should be deleted because the Commission has no jurisdiction over the distribution companies that contract with enrollment representatives and enforcement of the prohibition is unduly burdensome for ETCs, especially when enrollment representatives and their supervisors are most often independent contractors, and commission compensation is the traditional and most effective way to motivate salespeople.

- Audit Appeal Process. The Commission's audit appeal process should be deleted and/or modified to be replaced with a more efficient, effective and fair process. First, Section 54.719(a) of the Commission's rules that requires parties aggrieved by an action of USAC (e.g., an audit finding) to file an initial appeal within 60 days with USAC should be deleted because USAC rarely disagrees with itself. Such appeals waste ETC and USAC resources and merely serve as a source of delayed justice. Further, the appeal rules should be deleted in favor of a more efficient, effective and fair appeal process. NaLA's proposed revised process, which includes deadlines and deeming appeals granted (without precedential value) when such deadlines pass, is fairer to all parties and ensures aggrieved parties regulated by the Commission can get to court and not have legitimate challenges to Commission or Bureau interpretations of FCC rules delayed or effectively denied by agency inaction.

[11] *See* 47 C.F.R. § 54.406(b).

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COMMENTS OF THE NATIONAL LIFELINE ASSOCIATION

The National Lifeline Association[1] (NaLA), by and through the undersigned counsel, hereby submits its comments on the Federal Communications Commission's (Commission's) Public Notice[2] seeking comment on "identifying FCC rules for the purpose of alleviating unnecessary regulatory burdens."[3] For the reasons provided below, there is good cause to delete the following Lifeline and audit rules.

I. THE COMMISSION SHOULD DELETE THE UNNECESSARY LIFELINE MINIMUM SERVICE STANDARDS THAT HAVE BEEN REPEATEDLY WAIVED

The Commission should delete Section 54.408(b)(2)(ii) and (c)(2) of the Lifeline rules because, as Congress recognized when it passed the successful Emergency Broadband Benefit (EBB) and the Affordable Connectivity Program (ACP), setting a MSS is unnecessary for a

[1] NaLA is the only industry trade group specifically focused on the Lifeline and low-income segment of the communications marketplace. It supports eligible telecommunications carriers (ETCs), distributors, and Lifeline supporters and participants, and partners with regulators to improve low-income programs through education, cooperation and advocacy. *See* https://www.nalalifeline.org/.

[2] *See In Re: Delete, Delete, Delete*, GN Docket No. 25-133, Public Notice, DA 25-219 (Mar. 12, 2025) (Delete Public Notice).

[3] *Id*., 1.

competitive service and marketplace – competition should determine what service plans and affordable rates are available to consumers. The Commission has repeatedly waived increases in the Lifeline MSS since 2019 because it is not appropriately tethered to marketplace realities and affordability. It is long past time for the Lifeline MSS rule to be deleted.

A. ACP Without an MSS Was Far More Successful Than Lifeline With an MSS

Congress's decision to decline to adopt a MSS for the ACP recognized that having a MSS in Lifeline has been a detriment to consumers. For example, Lifeline support for providing mobile broadband service that meets the MSS has been stagnant at $9.25 per month since 2012.[4] However, since 2016, the MSS for mobile broadband, as established under the FCC's rules, has increased over time and is currently 4.5 GB per month.[5] No retail service providers offer 4.5 GB for as little as $9.25 a month, especially when combined with the voice and text services that wireless consumers want and expect. As shown in NaLA's 2025 Prepaid Mobile Broadband Price Survey, most pre-paid plans including at least 5 GB of data and mobile hotspot cost $30 or more.[6] Thus, Lifeline providers are required to provide an amount of data for $9.25 that no

[4] *See Lifeline and Link Up Reform and Modernization et. al.*, WC Docket No. 11-42 et. al., Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11, ¶ 58, (2012) (2012 Lifeline Reform Order) (adopting $9.25 as an interim non-Tribal Lifeline support amount commencing April 2012); *Lifeline and Link Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 09-197 and 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38, ¶ 114 (2016) (2016 Lifeline Modernization Order), (establishing $9.25 as a permanent non-Tribal Lifeline support amount).

[5] *See* 47 C.F.R. § 54.408(b)(2); *Wireline Competition Bureau Announces Updated Lifeline Minimum Service Standards and Indexed Budget Amount*, WC Docket No. 11-42, Public Notice, DA 23-621 (2023) (extending 4.5 GB as MSS for mobile broadband through December 1, 2024); *Lifeline and Link Up Reform and Modernization et. al.*, Docket No. 11-42, Order, DA 24-642, ¶¶ 1-2, 11, 14-16 (WCB 2024) (2024 MSS Waiver Order) (extending the waiver to pause the increase in MSS at 4.5 GB per month until at least December 1, 2025).

[6] *See* NaLA Written *Ex Parte* Presentation, WC Docket Nos. 21-450, 20-445, 11-42, Exhibit NaLA 2025 Prepaid Mobile Broadband Price Survey (Feb. 3, 2025) (NaLA Feb. 3, 2025 *Ex Parte*).

business would choose to provide without a co-pay, which is not economically sustainable for most of the eligible low-income population.[7] As a result, providing Lifeline service based on a $9.25 subsidy amount is not a sustainable business, and Lifeline was in decline before the ACP.

USAC reports that Lifeline subscribership decreased from a high of over 17 million in 2012 to 12.7 million in 2016 to 6.5 million in 2021.[8] As of July 2023, Lifeline participation was 6.7 million.[9] The latest Lifeline eligible population reported by USAC is 38,059,039, which means that approximately 17 percent of the eligible population participated in the Lifeline program.[10] USAC's latest published participation rate for December 2024 was 23 percent, with substantially lower participation in most states, but higher in California (37 percent) and Oklahoma (33 percent), which have additional funding available such that MSS can be met by multiple providers and competition exists.[11] In contrast, during the short time that the ACP was available, ACP subscribership grew to over 23 million households, representing a participation

[7] Providing such levels of broadband with only the $9.25 monthly reimbursement was made even more difficult with the repeal of the Lifeline benefit transfer limits (i.e. once every 60 days for voice services and once a year for broadband services). *See* Lifeline Fourth Report and Order, ¶ 33. When Lifeline service providers have a longer relationship with eligible subscribers, they can provide higher levels of service for the reimbursement amount. Churn is expensive and many Lifeline ETCs do not receive reimbursement for the Lifeline-discounted services they provide each month because the subscriber transfers his or her benefit to another provider before the first of the following month. Some consumers abuse Lifeline ETCs by transferring service providers multiple times each month to obtain multiple benefits. The Commission should reinstate rational benefit transfer limits of at least 60 days.

[8] *See* FCC Universal Service Monitoring Report (2022), WC Docket Nos. 11-42 *et. al.*, Table 2.1, 2.8.

[9] *See* USAC FCC Filings, 2023 Fourth Quarter Filings, LI08-Lifeline Subscribers by State or Jurisdiction January 2023 through June 2023, available at https://www.usac.org/wp-content/uploads/about/documents/fcc-filings/2023/fourth-quarter/low-income/LI08-Lifeline-Subscribers-by-State-or-Jurisdiction-January-2023-through-June-2023.xlsx.

[10] *See* Lifeline Program Data, Lifeline Participation, available at https://www.usac.org/lifeline/resources/program-data/#Subscribership.

[11] *See* USAC Lifeline Program Data, available at https://www.usac.org/lifeline/resources/program-data/#Participation.

rate of 44 percent of eligible households and participation was spread more evenly nationwide.[12] The Lifeline program should encourage service providers to offer competitive plans and allow consumers to choose from an array of affordable plans nationwide by deleting the MSS rule.

B. The Lifeline Mobile Broadband MSS Rule Is Fundamentally Flawed and Ill-Suited to Its Purpose

Commercial wireless rates and service offerings – including those offered under the Lifeline program – are set by competition.[13] Consumers therefore are in the best position to determine the Lifeline services that best satisfy their needs. By contrast, the mobile broadband MSS rule represents the Commission's substitution of its judgment for that of millions of Lifeline subscribers nationwide when it comes to their Lifeline choices. Thus, the Commission should restore consumer choice while ensuring low-income consumers' continued access to affordable voice and broadband services by repealing or replacing the MSS rule.

First, the mobile broadband MSS rule is fundamentally broken because it fails to take into account the Lifeline program's primary goals of access and affordability.[14] Reasoned decision-making requires federal agencies to at least consider the potential impact of their actions on regulated entities and, for the Lifeline program in particular, the Commission is required to account for the potential impact of its reforms on program access and affordability.[15] But the Commission paid mere "lip service" to these goals when it adopted the MSS rule in the

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[12] *See* Institute for Local Self-Reliance, Affordable Connectivity Program, available at https://acpdashboard.com/.

[13] *See Communications Marketplace Report*, *et al.*, GN Docket No. 18-231, *et al.*, Report, FCC 18-181, ¶ 24 (2018) ("Mobile wireless service providers compete by offering consumers a large variety of mobile wireless devices and differentiated services at a variety of prices.").

[14] *See NaLA v. FCC*, 921 F.3d 1102, 1116 (D.C. Cir. 2019) ("[T]he Commission's long-stated primary tenets for the [Lifeline] program are availability and affordability.").

[15] *See id.* at 1111; *SecurityPoint Holdings, Inc. v. TSA*, 769 F.3d 1184, 1187-88 (D.C. Cir. 2014).

2016 Lifeline Modernization Order. Over the objections of numerous commenters, the Commission established the MSS to require increasing data usage allowance thresholds for mobile broadband services based on average mobile data usage per household.[16] In doing so, the Commission stated that the MSS "will account for the need for Lifeline service offerings to be affordable."[17] The Commission further claimed that the MSS would allow Lifeline subscribers "to experience many of the Internet's offerings, *but not mandate[e] the purchase of prohibitively expensive offerings*."[18] However, while the Commission recognized the problems with mandating prohibitively-expensive Lifeline services, it then adopted a mobile broadband MSS formula that does not evaluate subscriber access or affordability at all.[19]

Because of these failings, the mobile broadband MSS has been repeatedly waived. Since 2019, the Commission has recognized that the formula for increasing the data MSS was broken. In 2019, the Commission granted a partial waiver and increased the MSS to 3 GB.[20] In 2020, the Wireline Competition Bureau (Bureau) arbitrarily increased the MSS by 50 percent to 4.5 GB (a 125 percent increase in two years) without conducting any analysis of whether such a Lifeline service would be available to or affordable for most low-income consumers.[21] Instead, the Bureau relied on a single letter filed by T-Mobile and posted to ECFS just minutes before the MSS increase announcement that stated its willingness to offer an Assurance retail brand

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[16] 2016 Lifeline Modernization Order, ¶ 94.

[17] 2016 Lifeline Modernization Order, ¶ 71.

[18] *Id.* (emphasis added).

[19] The Commission did provide for an assessment of Lifeline access and affordability in the 2016 Lifeline Modernization Order through the Lifeline Marketplace Report, which was released in June 2021. *See* 2016 Lifeline Modernization Order, ¶ 66; *see infra* 7.

[20] *See Lifeline and Link Up Reform and Modernization et. al.*, WC Docket No. 11-42 et al., Order, FCC 19-116, ¶¶ 9-13 (2019) (2019 MSS Waiver Order).

[21] *See Lifeline and Link Up Reform and Modernization et. al.*, WC Docket No. 11-42 et. al., Order, DA 20-1358, ¶ 2 (2020 MSS Waiver Order).

Lifeline plan with 4.5 GB at no monthly charge.[22] But T-Mobile owns the facilities used to provide Lifeline services and its letter did not commit to making 4.5 GB affordable for its wholesale partners to provide MSS broadband services to their subscribers at no cost. Consequently, while T-Mobile's Assurance commitment was commendable, it did not make continuation of free MSS broadband services possible for its mobile Lifeline service competitors (most of whose lines are obtained from T-Mobile through wholesale agreements) and it did not form a reasoned basis for setting the MSS at a level the majority of Lifeline providers could not meet.[23] Since 2020, the Bureau has granted annual waivers of the mobile broadband MSS formula and left the MSS at 4.5 GB.[24] However, the Lifeline reimbursement has also stagnated at $9.25, which does not generally allow providers to provide Lifeline services free to end users in states without additional funding.

On November 19, 2020, NaLA filed a Petition for Writ of Mandamus with the Court of Appeals for the D.C. Circuit to compel the FCC to issue an order granting or denying reconsideration petitions filed by NaLA member eligible telecommunications carriers (ETCs) and others of the 2016 Lifeline Modernization Order.[25] On February 22, 2021, the Court of Appeals for the D.C. Circuit denied NaLA's petition for writ of mandamus without prejudice to refiling "in event of significant additional delay" by the FCC and based on the forthcoming FCC

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[22] T-Mobile Notice of Oral *Ex Parte* Presentation, WC Docket No. 11-42, *et al.*, 2 (Nov. 16, 2020) (T-Mobile Nov. 16, 2020 *Ex Parte*). The T-Mobile *Ex Parte* also stated that "T-Mobile supports efforts to rationalize the process for determining Lifeline mobile broadband MSS, as well as to more broadly reform the Lifeline program to benefit consumers," but the Bureau failed to do either.

[23] *See* National Lifeline Association Application for Review of Lifeline Minimum Service Standard Waiver Order, WC Docket No. 11-42 et al., 13-14 (Dec. 16, 2020) (NaLA Application for Review).

[24] *See* 2024 MSS Waiver Order, ¶¶ 1-2, 11, 14-16 (extending the waiver to pause the increase in MSS at 4.5 GB per month until at least December 1, 2025).

[25] *See NaLA v. FCC*, Petition for Writ of Mandamus, No. 20-1460 (Nov. 19, 2020).

report of relevance, which never resulted in reforms to the MSS formula.[26] The FCC's brief told the court that the State of the Lifeline Marketplace Report, due in June 2021, would inform the agency's further evaluation of the standard. In that Report, the Bureau recognized that the mobile broadband MSS formula would have resulted in an "unexpectedly large" increase in the standard and that the Bureau has seen examples of the MSS making Lifeline service unaffordable, with ETCs forced to pass on increased costs to Lifeline subscribers, but the Bureau ultimately provided no recommendations to address the problems.[27] The Bureau instead continued to grant waivers of the MSS rule. It is long past time for the Commission to delete this unnecessary and ineffective rule.

Second, the mobile broadband MSS rule should be eliminated because it is ill suited to the problem it purports to solve – the transition of Lifeline support to broadband – and the market it is designed to serve.[28] The MSS formula was designed to approximate 70 percent of average household data usage.[29] But using a figure based on average multi-connection household data usage was and remains irrational because Lifeline limits the number of connections to one-per-household.[30] Thus, the MSS formula unreasonably subjects Lifeline subscribers and providers to a standard designed to meet the data needs of wealthier, multiple-subscriber households. This mismatch is not corrected by the application of the 70 percent

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[26] *See NaLA v. FCC*, Order, No. 20-1460 (D.C. Cir. Feb. 22, 2021).

[27] *See* Report on the State of the Lifeline Marketplace, WC Docket Nos. 09-197, 11-42, 20-437, 15-18 (June 2021), available at https://docs.fcc.gov/public/attachments/DOC-373779A1.pdf (Lifeline Marketplace Report).

[28] *See* 2016 Lifeline Modernization Order, ¶ 5 (stating the MSS rule was intended to "focus[] the Lifeline program on broadband" and "increas[e]…meaningful broadband offerings to Lifeline subscribers").

[29] *See* 47 C.F.R. § 54.408(c)(2)(ii).

[30] *See* 47 C.F.R. §§ 54.409(c); 54.405(e)(2).

multiplier because the Commission admittedly pulled that factor from thin air due to "lack of public data."[31] The MSS formula therefore undermines the transition of Lifeline support to broadband and instead accelerates the decline in affordable broadband services for low-income consumers.

The MSS rule also is irrationally divorced from the demands of the low-income consumer market that Lifeline is designed to serve. In the 2016 Lifeline Modernization Order, the Commission asserted that because low-income consumers likely "only have access to mobile broadband…it is vital that the offered service provides sufficient speed and capacity."[32] But the Commission makes no attempt in the MSS formula to discern how much average monthly data usage is attributable to unlimited plans or the extent to which consumers' average data usage would change if they were limited to finite quantities or charged according to usage. Nor does the Commission assess whether the data needs of Lifeline subscribers differ from the national average because of unique characteristics of that low-income demographic. As a result, the MSS rule prevents Lifeline subscribers from obtaining services aligning with their actual needs and ties the program to a formula that is, at worst, a poor proxy (and at best, an unsubstantiated one) for low-income consumer data demands.[33] For each of the foregoing reasons, the mobile Lifeline MSS should be deleted.

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[31] 2016 Lifeline Modernization Order, ¶ 94, n.274.

[32] *Id.*, ¶ 91.

[33] If any need for an MSS rule remains, it should be to bar offers substantially below market that cannot reasonably be justified. *See* NaLA Petition for Rulemaking, RM – _____ , 27-28 (Apr. 19, 2021) (NaLA Petition for Rulemaking).

II. THE COMMISSION SHOULD DELETE THE LIFELINE RULE PHASING OUT LIFELINE VOICE SUPPORT

The Commission should delete Section 54.403(a)(2) of its Lifeline rules, which phases down and then out Lifeline support for standalone voice service. In the 2016 Lifeline Modernization Order, the Commission decided to phase-out Lifeline standalone voice support in favor of supporting broadband[34] presumably thinking that consumers would no longer want standalone voice service as the importance of broadband continued to rise. However, while the focus on closing the digital divide is on affordable access to broadband services, low-income households still value and want voice service, including in some instances standalone voice service.

In 2021, the Bureau released the State of the Lifeline Marketplace Report.[35] This report highlighted that approximately 8 percent of Lifeline subscribers continued to opt in to voice-only Lifeline plans or a bundled plan that only meets the voice MSS.[36] In addition, the Commission's 2022 Future of USF Report recommended "that, as part of a rulemaking, the Commission consider continuing Lifeline support for voice-only service based on strong support in the record of this proceeding as well as the record and analysis associated with the State of the Lifeline Marketplace Report released in 2021."[37] Removing voice-only support services may force Lifeline subscribers who only desire voice services into more expensive, bundled plans that the

[34] *See* 2016 Lifeline Modernization Order.

[35] *See* Lifeline Marketplace Report.

[36] *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 et al., Order, DA 21-1389, ¶¶ 19-20 (Nov. 5, 2021) (2021 Lifeline Waiver Order); *see* Lifeline Marketplace Report at 21.

[37] *Report on the Future of the Universal Service Fund*, WC Docket No 21-476, Report, FCC 22-67, ¶ 67 (Aug. 15, 2022) (Future of USF Report).

subscriber may not desire and may not be able to afford.[38] The FCC's continued annual decisions to waive the planned phase-out in Lifeline support for voice-only services have been based on these findings in the Lifeline Marketplace Report and Future of USF Report.[39]

NaLA's 2025 Annual Consumer Survey found that three-quarters of respondents said voice, text and data were all equally important, but of those that chose one service as being most important, 16.1 percent said voice and only 7.18 percent said data.[40] Voice is as essential as broadband to many low-income consumers, and therefore, should continue to be supported by the Lifeline program.

III. THE COMMISSION SHOULD DELETE THE LIFELINE RULE REQUIRING SERVICE PROVIDERS TO ENSURE SUBSCRIBER ELIGIBILITY BECAUSE THAT IS THE ROLE OF THE NATIONAL VERIFIER AND NATIONAL LIFELINE ACCOUNTABILITY DATABASE

The Commission should delete the language in Section 54.410(a) of its Lifeline rules requiring ETCs to ensure their Lifeline subscribers are eligible to receive Lifeline services[41] because the rule has been misused and misconstrued by the Bureau to make Lifeline ETCs responsible for eligibility determinations that are actually the responsibility of the National Verifier and the National Lifeline Accountability Database (NLAD) pursuant to more specific Lifeline rules and orders. For the same reasons, the Commission should also delete the related annual eligibility and recertification certifications that it requires service providers to make in

[38] *See* 2021 Lifeline Waiver Order, ¶ 8; *see* Lifeline Marketplace Report at 23.

[39] *See* 2021 Lifeline Waiver Order, ¶¶ 12-13 ("The persistent subscriptions to voice-only service offerings, pace of adoption of broadband, and net benefits of continuing voice-only support, however, provide strong considerations for maintaining Lifeline support for voice-only services for at least one additional year."); 2024 MSS Waiver Order, ¶ 10.

[40] *See* NaLA Feb. 3, 2025 *Ex Parte*, Exhibit NaLA 2025 Annual Consumer Survey, at 2.

[41] *See* 47 C.F.R. § 54.410(a) ("All eligible telecommunications carriers must implement policies and procedures for ensuring that their Lifeline subscribers are eligible to receive Lifeline services.").

Section 54.416(a)(1) and (2) of its rules, as well as remove the certifications and recertification information required in the FCC Form 555. The certifications are unnecessary, inconsistent with the Commission's rules requiring the National Verifier and NLAD to make eligibility determinations and the recertification information required by the FCC Form 555 is information USAC should have because the National Verifier conducts recertification efforts for Lifeline subscribers.

The Bureau has used Section 54.410(a) and similar rules for the EBB and ACP to argue that service providers are responsible for Lifeline eligibility determinations relating to both participation in eligibility programs and compliance with the one-per-household rule. For example, many Lifeline ETCs have received audit findings from USAC in recent months alleging that the service providers violated the one-per-household rule by serving too many households at a particular address even though the rules do not set caps. Moreover, ETCs cannot see how many households are enrolled in Lifeline at an address with other ETCs; only the National Verifier can see that. When confronted with the fact that it is the National Verifier and NLAD's obligation to check for duplicate addresses and obtain the necessary Independent Economic Household (IEH) worksheets,[42] USAC fails to respond to the arguments and instead falls back on its misuse of the general obligation from Section 54.410(a) that service providers must implement policies and procedures to ensure a household is eligible under Lifeline program rules.

In another recent example, the Bureau adopted an order denying the Requests for Review

[42] The FCC's Lifeline rules do not set household limits at an address so long as the prescribed process of obtaining a signed IEH worksheet is followed. Specifically, Section 54.410(g) of the FCC's rules states, "If the prospective subscriber shares an address with one or more existing Lifeline subscribers **according to the National Lifeline Accountability Database or National Verifier**, **the prospective subscriber must complete** a form certifying compliance with the one-per-household rule upon initial enrollment." 47 C.F.R. § 54.410(g) (emphasis added).

filed by three EBB providers related to subscribers that had been determined eligible for EBB low-income discounts based on participation in the National School Lunch Community Eligibility Provision (NSL CEP).[43] When the parties explained that it was the National Verifier's responsibility to determine the eligibility of the applicants that asserted participation in NSL CEP when completing the National Verifier application process, the Denial Order responded with an alarming assertion – **the National Verifier is merely "an important tool in protecting program integrity" and "[w]e are not persuaded by the Petitioners' claims that they complied with the Commission's rules by relying exclusively on the National Verifier to determine eligibility**."[44]

The EBB Denial Order and the Bureau decisions denying appeals regarding alleged "oversubscribed addresses" issued by the Bureau raise a fundamental threshold question going forward: **what is the role of the National Verifier in determining eligibility for the Lifeline program?**[45] The core issue is whether the National Verifier serves as the sole determiner of eligibility, or merely as a tool upon which reliance cannot be placed. It is NaLA's position, as well as the presumed position of all other providers of Lifeline discounted communications services, that the National Verifier is the sole and final determiner of an applicant's eligibility for Lifeline. The National Verifier must be relied upon by the FCC, consumers, and service

[43] *Requests for Review of the Decision of the Universal Service Administrator by DISH Wireless, L.L.C., AT&T Services, Inc. on behalf of AT&T Mobility LLC, Excess Telecom, Inc., Emergency Broadband Benefit Program, Affordable Connectivity Program*, WC Docket Nos. 20-445, 21-450, Order, DA 25-72 (Jan. 17, 2025) (EBB Denial Order).

[44] *Id*., ¶ 10 (emphasis added). Section 54.1606(b) of the EBB rules is essentially the same as Section 54.410(a) of the Lifeline rules. *See* 47 C.F.R. § 54.1606(b) ("All participating providers must implement policies and procedures for ensuring that their Emergency Broadband Benefit Program households are eligible to receive the [EBB].").

[45] We limit this inquiry to Lifeline because the ACP has ended, even though USAC's auditing of ACP has somehow continued.

providers alike to make eligibility determinations.

The Bureau's position that the National Verifier cannot be relied upon and Lifeline providers must make an independent verification and determination of Lifeline eligibility is based on the general language in Section 54.410(a) despite the Lifeline rules and Commission orders that clearly make the National Verifier directly responsible for eligibility determinations and relieve ETCs of that obligation. Under the Bureau's interpretation, the only way for a Lifeline service provider to comply with 54.410(a) is to independently verify eligibility by collecting and analyzing documentation – essentially reinstating the process that Lifeline providers followed prior to the National Verifier's implementation and that the National Verifier was intended to replace. This is contrary to both law and reason.

NaLA's position that the National Verifier must be relied upon as the sole determiner of eligibility for Lifeline and the Commission did not intend for ETCs to continue reviewing and retaining proof of eligibility is based on the following clear language from the Lifeline rules and orders.

- Section 54.410(b)(1) requires ETCs to verify applicants' income eligibility for Lifeline, "except where the National Verifier, state Lifeline administrator or other state agency is responsible for the initial determination of a subscriber's eligibility…"[46]
- Section 54.410(c)(1) requires ETCs to verify applicants' program-based eligibility for Lifeline, "except in states where the National Verifier, state Lifeline administrator, or other state agency is responsible for the initial determination of a subscriber's program-based eligibility."[47]
- "Lifeline providers have been primarily responsible in most states for determining

[46] 47 C.F.R. § 54.410(b)(1). The National Verifier is operational in all states (*see Wireline Competition Bureau Announces the Next National Lifeline Eligibility Verifier Launch in Three States*, WC Docket No. 11-42, Public Notice, DA 19-1290 (rel. Dec. 18, 2019). In California, Oregon and Texas, the National Verifier relies on the state administrator for eligibility determinations.

[47] 47 C.F.R. § 54.410(c)(1).

eligibility and enrolling eligible subscribers into the program."[48] However, "[i]n this section, we establish a National Lifeline Eligibility Verifier (National Verifier) to make eligibility determinations and perform a variety of other functions necessary to enroll eligible subscribers into the Lifeline Program."[49]

- "The National Verifier will, first and foremost, determine subscriber eligibility for the Lifeline program."[50]

- "A primary function of the National Verifier will be to determine eligibility for potential Lifeline subscribers in a manner that is cost-effective and administratively efficient."[51]

- "As noted in the comments, by removing the responsibility of determining eligibility from providers, the Lifeline program will also be a more attractive business opportunity as providers recognize significant reductions in administrative and compliance costs."[52]

- "By providing a central point of verification, Lifeline providers can avoid the patchwork of systems currently required to enroll subscribers in various states. By reducing compliance costs and burdens and attracting more Lifeline providers, the program will benefit from greater competition and, as a result, deliver more value to subscribers."[53]

- "**By adopting the National Verifier, the risk of enforcement actions against providers for eligibility related issues will decline as the National Verifier takes on the risk of determining eligibility for subscribers. Overall, transferring the eligibility certification process away from providers will make it easier on providers to comply with the Lifeline rules**."[54]

- "The National Verifier will also check to ensure that the subscriber is not a duplicate of any existing subscriber already receiving a Lifeline benefit. By checking this, the National Verifier will reinforce and build on the NLAD to enforce Lifeline's one-per-household rule, and prevent duplicates."[55]

- "The National Verifier will implement a complete eligibility review prior to providing a Lifeline benefit. We believe that it is vital to deploy the National Verifier with the

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[48] 2016 Lifeline Modernization Order, ¶ 127.

[49] *Id*., ¶ 126.

[50] *Id*., ¶ 132.

[51] *Id*., ¶ 133.

[52] *Id*., ¶ 130. National Verifier eligibility determinations represented a "paradigm shift from carriers owning the eligibility determination process to the National Verifier." *See* Grant Thornton, *USAC Lifeline Program 2020 Program Evaluation* (Feb. 5, 2021).

[53] *Id*.

[54] *Id*. (emphasis added)

[55] *Id*., ¶ 134.

expectation that it will conduct comprehensive and timely reviews."[56]

- "The National Verifier will retain eligibility information collected as a result of the eligibility determination process. Lifeline providers will not be required to retain eligibility documentation for subscribers who have been determined eligible by the National Verifier."[57]

- "the Commission's stated intent in the 2016 Lifeline Modernization Order [was] that . . . providers would not be required to retain eligibility documentation for eligibility determinations made by the National Verifier. Additionally, **we agree . . . that requiring . . . providers to maintain duplicative subscriber enrollment documentation presents unnecessary risk to the privacy and security of subscriber information.**"[58]

Consider two simple hypotheticals to illustrate the absurdity of the Bureau's position. In the first, a Lifeline applicant applies using Medicaid as the qualifying program to the National Verifier, which confirms the applicant's eligibility. The Lifeline ETC provides discounted service based on this National Verifier determination as required. Later, a report reveals widespread fraud or errors in the Centers for Medicare & Medicaid Services (CMS) database, questioning the eligibility of those who qualified for Lifeline using Medicaid. USAC audits the Lifeline service provider and requires it to prove that the subscribers qualified for Medicaid at the time of application, which the service provider cannot do because it was not required to review or retain eligibility documentation. This scenario illustrates the absurdity of making providers guarantors for errors made by the National Verifier, connected databases, or USAC reviewers. In the second hypothetical, a consumer goes directly to the National Verifier website to verify his eligibility for Lifeline, which determines he is eligible. The applicant then enrolls with a service provider, which checks the applicant's personal information against the National

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[56] *Id*., ¶ 136.

[57] 2016 Lifeline Modernization Order, ¶ 151.

[58] *Lifeline and Link Up Reform and Modernization*, Fourth Report and Order, FCC 17-155, ¶ 46, Order Vacated on other grounds by *National Lifeline Association v. Federal Communications Commission*, (D.C. Cir.) (2019) (emphasis added).

Verifier and the National Verifier tells the provider the applicant already has been determined to be eligible. Later, USAC suspects that the applicant was not eligible for benefits. USAC audits the service provider and requires it to prove the applicant's eligibility, even though the applicant came to the service provider after already having been determined to be eligible by the National Verifier. This example highlights the unreasonable expectation that Lifeline providers should guarantee the accuracy of National Verifier determinations when the applicant had gone direct to the National Verifier for verification and only later "found" (using USAC's find-a-service provider tool) and enrolled with the service provider which had no ability to interact with the applicant at the time he or she was verified as eligible by the National Verifier.

As the Commission is aware, the National Verifier is designed so that service providers do not see or participate in the eligibility determination process inside the National Verifier. USAC does not provide ETCs with any information from the National Verifier as to the basis upon which an applicant's eligibility was verified, and this information is not available from NLAD. Instead, the National Verifier confirms that eligibility has been verified (or not) based on information solely in its possession. Any claim that providers should have independently verified eligibility contradicts this fact as well as the program's structure and governing rules. The identified language in Section 54.410(a) of the Commission's Lifeline rules must be deleted to prevent the Bureau from continuing to misuse it to impose National Verifier and NLAD obligations on ETCs.

IV. THE COMMISSION SHOULD DELETE THE LIFELINE USAGE REQUIREMENT APPLICABLE TO SERVICES THAT ARE FREE TO SUBSCRIBERS BECAUSE IT IS NOT TECHNOLOGY NEUTRAL AND IMPOSES UNDUE BURDENS ON LOW-INCOME CONSUMERS AND ETCS

The Lifeline non-usage requirements should be eliminated because they are not technology-neutral in practice and impose undue burdens on low-income consumers and ETCs.[59] In its pandemic-related waiver of the non-usage rules, the Commission highlighted the need for low-income consumers "to have access to a ready connection to communications service should the need arise."[60] But absent the waiver, the non-usage rules undermine the availability of Lifeline in an emergency. Different consumers seek out Lifeline for different reasons. Many Lifeline subscribers use the service to keep in regular contact with their employers, family, and communities. Other Lifeline subscribers, in particular the elderly and persons with disabilities, may want the service just in case of an emergency so that they can call 911, medical providers, or emergency contacts.

If a subscriber makes a co-payment for Lifeline, the consumer can retain service without having to use it.[61] By contrast, if a subscriber does not pay for Lifeline (as is the case for the vast majority of program participants today), the consumer has to use the service every 30 days or potentially lose it following the cure period.[62] Many Lifeline subscribers are very careful with their usage, preferring to save their minutes/data until it is absolutely necessary to use them. If an emergency does not occur, they may not use the service for a period of time, but they still wish to retain Lifeline in anticipation of such an event. The Commission's Lifeline rules

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[59] *See* 47 C.F.R. §§ 54.405(e)(3), 54.407(c)(2). The Commission should also delete the non-usage tracking requirements in the FCC Form 555.

[60] *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, Order, DA 20-354, ¶ 8 (Mar. 30, 2020) (Second COVID-19 Waiver Order).

[61] 47 C.F.R. § 54.407(c).

[62] 47 C.F.R. § 54.407(c)(2).

therefore should respect the choices of low-income consumers who need an emergency connection and manage their usage accordingly.

The non-usage rules also are not technologically neutral in practice and disproportionately impact those most in need. The non-usage rules apply only if the subscriber does not have a regular billing relationship with the ETC (*i.e.*, the subscriber receives free-to-the-end-user Lifeline service).[63] As a result, low-income consumers face the difficult choice of: (a) an affordable, no-cost wireless Lifeline service that restricts how and how often they must use the service (or face de-enrollment) or (b) a Lifeline service without usage restrictions that mandates regular co-pays unaffordable for most subscribers.[64] Thus, to promote regulatory parity and ease low-income consumer burdens, the Commission should delete the non-usage rules so that Lifeline subscribers have the freedom to choose what services they want and how to use those services in the same manner as other Americans.

Further, the non-usage rules impose significant costs on low-income consumers, ETCs, and the Lifeline program. The non-usage rules impose costs on low-income consumers because every time they are de-enrolled for non-usage, they have to seek out and enroll in a new Lifeline service. That often involves traveling to a store or enrollment event and presenting all of the documentation necessary to enroll. The non-usage rules also impose costs on ETCs associated with monitoring subscriber usage, sending the required subscriber cure notices, de-enrolling subscribers who do not cure, and tracking and reporting de-enrollments to the Commission.[65]

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[63] 47 C.F.R. § 54.407(c).

[64] *See* NaLA Notice of Oral *Ex Parte* Presentation, WC Docket No. 17-287 *et. al*., 4-5, Exhibit (Aug. 6, 2020) (NaLA Aug. 6, 2020 *Ex Parte*).

[65] *See* 47 C.F.R. § 54.405(e)(3).

Further, ETCs can lose customers before they can earn a return on their initial customer acquisition investment. These churn costs can total tens of thousands of dollars per month per ETC, which reduces the incentives to enroll eligible Lifeline subscribers. The non-usage rules similarly impose churn costs on the Lifeline program. Every time a subscriber is de-enrolled from an ETC and either re-enrolls with that same ETC or another, the program incurs costs for NLAD and National Verifier checks. Added together across all ETCs, these costs are substantial. For these reasons, it is past time that the Commission delete its non-usage rules and afford low-income consumers the respect they deserve by allowing them to choose how and when they want to use their Lifeline service.[66]

V. THE COMMISSION SHOULD DELETE THE LIFELINE ONE-PER-HOUSEHOLD REQUIREMENT BECAUSE THE VAST MAJORITY OF AMERICAN HOUSEHOLDS HAVE MULTIPLE VOICE AND BROADBAND LINES

The Commission should eliminate its rules limiting the Lifeline discount to one-per-household.[67] Today, these rules are mismatched with the way most American households depend upon multiple lines of wireless broadband connectivity. According to the most recent Commission and census data, there are 558 million mobile wireless connections across approximately 131.3 million households in the United States.[68] That averages to about 4.2 mobile wireless connections per American household. Over 97 percent of Lifeline subsidies are

[66] If the Commission elects to retain the non-usage requirements in some form, it should extend the non-usage timeframe from 30 days to 180 days. *See* NaLA Petition for Rulemaking at 31-33.

[67] *See* 47 C.F.R. §§ 54.405(c), (e)(2).

[68] *See Communications Marketplace Report*, GN Docket No. 24-119, 2024 Communications Marketplace Report, FCC 24-136, ¶ 59 (rel. Dec. 31, 2024) (558 million is the CTIA estimate of mobile wireless connections, but using the Numbering Resource Utilization/Forecast estimate of 492 million, that would still be an average of 3.7 mobile wireless connections per American household); U.S. Census Bureau, Profiles, available at https://data.census.gov/profile?q=United+States&g=010XX00US.

distributed to providers serving subscribers that choose mobile wireless services to stay connected to work, family, medical care, and other critical services.[69] Thus, the one-per-household rule consigns the vast majority of Lifeline households to a "second class" status unable to afford the offerings available to most Americans, contrary to the Commission's stated Lifeline goals.[70] Notably, other low-income support measures are calibrated to the size of the household because larger households need additional benefits. For example, Supplemental Nutrition Assistance Program (SNAP) benefits increase with the size of the household. The District of Columbia monthly SNAP benefits increase from $292 for one person to $1,756 for a household of eight with an additional $220 for each additional member of the household.[71] The Commission therefore should eliminate the one-per-household rule to reflect the modern communications marketplace.[72]

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[69] *See* USAC Lifeline Program Data, Additional Metrics, available at https://www.usac.org/lifeline/resources/program-data/#Disbursement.

[70] *See*, *e.g.*, *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 et al., Order, DA 20-1358, ¶¶ 13-14 (WCB Nov. 16, 2020) (2020 MSS Waiver Order) (stating the Commission is committed to ensuring Lifeline subscribers do not receive a "second class" service, but rather an "evolving level of service" that keeps pace with market trends).

[71] *See* DC Department of Human Services, SNAP Benefits, *available at* https://dhs.dc.gov/service/snap-benefits.

[72] As an alternative to eliminating the one-per-household rule, in a rulemaking the Commission could implement exceptions for certain subscribers when Lifeline intersects with other federal universal service programs. *See* NaLA Petition for Rulemaking at 17-21. For example, the Commission could permit multiple Lifeline discounts to support e-learning, which would allow parents to use one Lifeline connection for work or other important tasks, while allowing students to use hotspot connections to complete assignments. *See id*. The Commission could also implement exceptions to the one-per-household rule for certain demographic categories within Lifeline-eligible households, such as veterans, school-aged children, and those with disabilities. *See id*.

VI. THE COMMISSION SHOULD DELETE THE LIFELINE COMMISSION COMPENSATION PROHIBITION

Section 54.406(b) of the Commission's Lifeline rules prohibits ETCs from providing any commission compensation to enrollment representatives or their direct supervisors "based on the number of consumers who apply for or are enrolled in the Lifeline program with the [ETC]."[73] The rule should be deleted because the Commission has no jurisdiction over the distribution companies that contract with enrollment representatives and enforcement of the prohibition is unduly burdensome for ETCs, especially when enrollment representatives and their supervisors are independent contractors, and commission compensation is the traditional and most effective way to motivate salespeople.

Most enrollment representatives work for distribution companies that are not subject to Commission jurisdiction. It is therefore up to the ETCs that are subject to Commission jurisdiction to police by contract how the distributor and its agents compensate the enrollment representatives and direct supervisors. Therefore, ETCs are left with generally nothing more than contract provisions to require that the distribution companies that ETCs hire to distribute Lifeline services do not violate the commission compensation prohibition. The Commission has built a comprehensive eligibility determination apparatus in the form of the National Verifier, which verifies applicants' eligibility for Lifeline, often based on finding the applicants in government databases, such as the national Medicaid database and state SNAP databases. Those processes ensure applicants' eligibility, not whether the enrollment representative that assisted the applicant is paid by the hour or based on successfully connecting a low-income household to

[73] *See* 47 C.F.R. § 54.406(b).

Lifeline benefits. Therefore, regulating how enrollment representatives are paid is an unnecessary burden.

Moreover, most Lifeline enrollments involving an enrollment representative are facilitated by enrollment representatives that are independent contractors to a distribution company that then has a distribution agreement with an ETC. The enrollment representatives are often independent contractors because that is how they prefer to work. They work when and where they want and based on their knowledge of their neighborhood and where eligible low-income consumers are likely to be found. It is generally not economically feasible to pay such enrollment representatives by the hour without regard to the number of Lifeline enrollments because there is no motivation to find eligible consumers or do the work to educate them and get them enrolled when paid by the hour. That is why such sales positions are traditionally paid by commission.

Therefore, the rule prohibiting commission compensation for Lifeline enrollments is unnecessary and of limited usefulness but results in disproportionate burdens on regulated entities.[74]

VII. THE COMMISSION SHOULD DELETE OR REVISE THE AUDIT APPEAL PROCESS TO SET BINDING DEADLINES AND EXPEDITE THE PATH TO REVIEW BY THE COURTS

The Commission's audit appeal process should be deleted and/or modified to be replaced with a more efficient, effective and fair process. First, Section 54.719(a) of the Commission's rules requires parties aggrieved by an action of USAC (e.g., an audit finding) to file an appeal

[74] *See* Delete Public Notice, 3 ("Has the rule's complexity or other compliance difficulties demonstrated that the rule is of limited usefulness and/or results in disproportionate burdens on regulated entities and the Commission's own resources.").

within 60 days with USAC.[75] USAC is not subject to any timeline or deadline for making a decision on the appeal and can leave it pending indefinitely. When it does make a decision, it unsurprisingly almost never disagrees with itself. Appealing USAC's decisions on audit findings to USAC serves no purpose and imposes an unnecessary expense on service providers. It is inefficient, removes accountability and delays justice, potentially indefinitely. The requirement to appeal USAC findings to USAC in Section 54.719(a) of the FCC's rules should be deleted.

Moreover, when USAC upholds its own audit finding and denies an appeal, the aggrieved party then has 60 days to file an appeal with the Bureau.[76] The rules require the Bureau to decide the appeal within 90 days, or 180 days at most if the Bureau extends the time.[77] The Bureau routinely ignores Section 54.724 of the FCC's rules by failing to meet these deadlines. If the Bureau does ever deny the aggrieved party's appeal, the party has 30 days to file an Application for Review (AFR) of that decision to the full Commission.[78] The Commission has no deadline to act on the AFR. These appeal procedures do not require the Commission to be transparent or accountable to the courts for its interpretation of its rules.

The current appeal rules should be deleted in favor of a more efficient, effective and fair appeal process. An aggrieved party's initial appeal of a USAC audit finding should be to the Bureau within 60 days. The Bureau should then have 90 days from the date the appeal is filed to act on the appeal, unless the Bureau informs the aggrieved part in writing that it is extending the

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[75] *See* 47 C.F.R. §§ 54.719(a); 54.720(a).

[76] *See* 47 C.F.R. §§ 54.719(b); 54.720(b); 54.722(a).

[77] *See* 47 C.F.R. § 54.724(a) ("The Wireline Competition Bureau shall, within ninety (90) days, take action in response to a request for review of an Administrator decision that is properly before it. The Wireline Competition Bureau may extend the time period for taking action on a request for review of an Administrator decision for a period of up to ninety days. The Commission may also at any time, extend the time period for taking action of a request for review of an Administrator decision pending before the Wireline Competition Bureau.").

[78] *See* 47 C.F.R. §§ 54.722(b), 1.115.

deadline for 90 more days. If the Bureau does not act on the appeal by the end of 180 days after the appeal was filed, the appeal should be deemed granted (without precedential value). If the Bureau denies an appeal, the aggrieved party should have 60 days to file an AFR with the Commission and the Commission should act on the AFR within 90 days or it should be deemed granted (without precedential value).

In the American legal system, a person or entity is innocent until proven guilty and the Bureau or the Commission should not be able to effectively determine an entity is guilty of a rule violation simply by sitting on an appeal. NaLA's proposed revised process is fairer to all parties and ensures aggrieved parties regulated by the Commission can get to court and not have legitimate challenges to Commission or Bureau interpretations of FCC rules delayed or effectively denied by agency failure to take action.

VIII. CONCLUSION

For the foregoing reasons, the Commission should delete the above-referenced Lifeline and audit rules.

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